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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,470	10/24/2003	Pierluigi Pugliese	P. PUGLIESE 32	2561
47396	7590	09/14/2005	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,470

Applicant(s)

PUGLIESE, PIERLUIGI

Examiner

Dai A. Phuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-18 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang (Pub. No: 2001/0049263).

Regarding claim 1, Zhang discloses a method of ascertaining a state of a mobile communication apparatus, comprising: collecting data on at least one of individual components and procedures embedded within said mobile communication apparatus based on status quo information derived therefrom ([0024], [0031] to [0033] and [0037] to [0038]); and radio transmitting said data from said mobile communication apparatus via said radio network to which said mobile communication apparatus is affiliated to a service center ([0024] and [0037] to [0038]).

Regarding claim 2, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said collecting is performed by using a trace routine ([0031] to [0033] and [0035] to [0038]).

Regarding claim 3, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said transmitting is performed by using a selected one of an SMS and a predefined data call ([0029]).

Regarding claim 4, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said data are coded in a space-efficient format prior to performing said radio transmitting ([0029] and [0039] to [0042]).

Regarding claim 5, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said data are stored prior to performing said radio transmitting ([0037] to [0038]).

Regarding claim 6, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said radio transmitting is performed in regularly spaced intervals ([0030] and [0039]).

Regarding claim 10, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said data are transferred between said mobile communication apparatus and said network without signaling said user of said mobile communication apparatus ([0030]).

Regarding claim 11, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein said data are weighted ([0037] to [0038]).

Regarding claim 12, Zhang discloses all the limitations in claim 1. Further, Zhang discloses the method wherein a selected one of said collecting and said transmitting is carried out dependent on selectable information items ([0037] to [0039]).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 25, Zhang discloses all the limitations in claim 13. Further, Zhang discloses the mobile communication apparatus wherein said mobile communication apparatus is a mobile phone adapted to operate on a selected one of a GSM standard and a UMTS-standard ([0025]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (Pub. No: 2001/0049263) in view of Raivisto et al. (Pub. No: 2004/0075675).

Regarding claim 7, Zhang discloses all the limitations in claim 1. However, Zhang does not disclose the method wherein said radio transmitting is performed during an initializing menu procedure.

In the same field of endeavor, Raivisto et al. disclose the method wherein said radio transmitting is performed during an initializing menu procedure ([0026], [0044] and [0047] to [0048]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Zhang by specifically including disclose the method wherein said radio transmitting is performed during an initializing menu procedure, as taught by Raivisto et al., the motivation being in order to allow provisioning of services and execution of those service at the mobile terminal.

Regarding claim 8, the combination of Zhang and Raivisto et al. disclose all the limitation in claim 7. Further, Raivisto et al. disclose the method wherein said menu procedure is activated during a selected one of when said mobile communication apparatus is logged-in to said network and when said mobile communication apparatus is logged-off from said network ([0026], [0044] and [0047] to [0048]).

Regarding claim 9, the combination of Zhang and Raivisto et al. disclose all the limitation in claim 7. Further, Raivisto et al. disclose the method wherein said menu procedure is activated by a selected one of said user of said mobile communication apparatus and externally via said network ([0026], [0044] and [0047] to [0048]).

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 9.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kondo et al. (U.S. 5936941) enabling maintenance and management

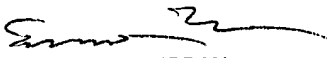
Shimizu et al. (Pub. No: 20050014486) information providing system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 08-18-2005

  
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